

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VICTORIA'S SECRET STORES
BRAND MANAGEMENT, INC.,

Plaintiff,

-against-

INTERTEX APPAREL LTD.
and MACY'S, INC.,

Defendants.

Case No. 08-CV-03452 (SHS) (THK)

INTERTEX APPAREL LTD.
and MACY'S, INC.

Counterclaim-Plaintiff,

-against-

VICTORIA'S SECRET STORES BRAND
MANAGEMENT, INC.

Counterclaim-Defendant.

JOINT STATUS REPORT

Plaintiff Victoria's Secret Stores Brand Management, Inc. ("Victoria's Secret" or "Plaintiff") and Defendants Intertex Apparel Ltd. ("Intertex") and Macy's, Inc. ("Macy's") (collectively "Defendants"), respectfully submit this Joint Status Report in accordance with Magistrate Judge Katz's letter, dated July 1, 2008.

(a) THE STATUS OF THE CASE:

The parties are proceeding with fact discovery which is currently scheduled to close on November 27, 2008 pursuant to the June 19, 2008 Scheduling Order. On May 28, 2008, Victoria's Secret propounded its first sets of document requests and interrogatories to

Defendants. On July 8, 2008, Defendants served their written responses and objections. On June 6, 2008, Intertex served its first set of interrogatories and document requests on Victoria's Secret. On July 14, 2008, Victoria's Secret served its written responses and objections. The parties have been producing documents and have agreed to produce on a rolling basis and to try to substantially complete their productions by the end of the summer.

On August 7, 2008, Plaintiff wrote a letter to Defendants regarding issues with their document productions and interrogatory responses. Defendants responded by letter on August 12, 2008, and the parties met and conferred by telephone to resolve the remaining matters on August 12, 2008.

(b) INTEREST IN ASSISTANCE WITH SETTLEMENT DISCUSSIONS

The parties have discussed settlement, but it is premature to characterize the nature of those discussions, and neither party requests the assistance of the Magistrate Judge at this time.

Respectfully submitted,

Dated: August 15, 2008

By: 

Dale Cendali, Esq.
Johanna Schmitt, Esq.
Emily Blumsack, Esq.
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, New York 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

*Attorneys for Plaintiff Victoria's Secret
Stores Brand Management, Inc.*

By: 

Martin P. Michael, Esq.
David R. Baum, Esq.
Rebecca Hughes Parker, Esq.
Sonnenschein, Nath & Rosenthal LLP
1221 Avenue of the Americas
New York, New York 10020
Tel: (212) 768-6700
Fax: (212) 768-6800

*Attorneys for Defendants Intertex Apparel,
Ltd. and Macy's Inc.*